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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,494	12/18/2003	Ping-Feng Hwang	OTMP0057USA	1493
27765	7590	05/23/2006	EXAMINER	
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			TON, ANABEL	
			ART UNIT	PAPER NUMBER
			2875	
DATE MAILED: 05/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/707,494	HWANG, PING-FENG	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anabel M. Ton	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,6,12-23 and 28-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3,6 and 12-18 is/are allowed.
- 6) ☒ Claim(s) 19-23 and 28-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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### **DETAILED ACTION**

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. The indicated allowability of claim 7 in the response dated 08/19/05 and the indicated allowability of claims 24-27 is withdrawn in view of the reference(s) to Yu in further view of Lee. Rejections based on the cited reference(s) follow.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 19-22,28-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Yu et al (2004/0257792).
5. With regards to the recitation "for flexibly supporting the diffuser" in lines 8-9 in claim 19, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In this case supports

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121a, 122b are expandable thus inherently flexible and as shown in figure 4a and in the abstract, support the diffuser.

1. Yu discloses a back light apparatus, having a frame creating a container (110) a light source module which is placed inside said container (130,150) a diffuser which is placed upon said light source (140) module; at least one elastic device placed inside said container (120), said elastic device having a first end fixed on a bottom of said container (111, Fig 4a) and a protruding device (121a) formed on top of said elastic device (120).

- Wherein said protruding device is formed out of highly reflective material (a white material, pp. 2 paragraph 0032).
- Wherein said protruding device is formed out of a transparent material (pp1, col. 2 Para. 0017).
- Wherein said protruding device is formed out of elastic material (the device of Yu deforms to resiliently accommodate the light bulb and support the diffuser, thus inherently being formed of an elastic material).
- A frame creating a container (110), a light source module which is placed inside the container (130 constitutes part of a light source module); a diffuser which is placed upon the light source module (140); a fixing base formed on the bottom of the container (111); at least one elastic device inside the fixing base (120), said elastic device having a first end on a bottom of the container (122a) inside the fixing base a protruding device (121a) formed on top of a second end of the elastic device for supporting the diffuser;

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- The fixing base has an opening whose size is smaller than the diameter of the elastic device (fig 4a), the bottom of the protruding device having a flange mounted inside the fixing base (122a).
- A frame creating a container (110), the container comprising a cavity formed in the bottom of the container (111), a light source module which is placed inside the container (130), a diffuser which is placed upon the light source module (140); at least one elastic device placed inside the cavity, said elastic having a first end fixed on a bottom of said cavity; and a protruding device formed on top of a second end of said elastic device for supporting the diffuser.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yu et al as applied to claim 19 above, and further in view of Lee (6,902,300).

4. Yu discloses the claimed invention as recited above but does not teach the protruding device having the shape of a cone. Lee discloses a protruding device having the shape of a cone. It would have been obvious to one ordinary skill in the art the time the invention was made to substitute the protruding member of Yu for the protruding device of Lee since Lee discloses that a cone shaped protruding member is purposeful for providing a resilient means for holding up the diffuser of a backlit display.

***Allowable Subject Matter***

5. Claims 1-3,6,12-18 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not teach at least one spring placed inside the container of claim 1, the spring having a first end fixed on a bottom of the container and a second end supporting the diffuser.

***Response to Arguments***

7. The final rejection made previously has been withdrawn as well as the allowable subject matter of formerly presented claim 7. The rejection as presented above is applied to the remaining non-allowed claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

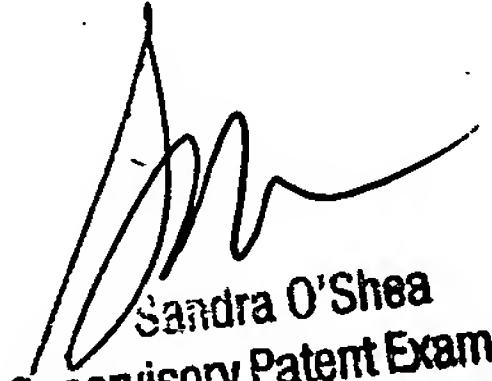
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anabel M Ton  
Examiner  
Art Unit 2875

AMT



Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800